

COUNTY OF YORK

MEMORANDUM

DATE: August 15, 2002 (BOS Mtg. 9/03/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application ZT-67-02, York County Planning Commission

Issue

This application, which was sponsored by the Planning Commission at its July 10, 2002 meeting, proposes amendments to the York County Zoning Ordinance (Chapter 24.1, York County Code) to incorporate changes made necessary by recent amendments to the Code of Virginia. Specifically, the proposed amendments are as follows:

- ? Amend Section 24.1-505 to reflect the 5-year term of validity for site plans specified by the Code of Virginia.
- ? Amend Sections 24.1-801 and 802 to reflect the State Code mandate to allow replacement of nonconforming manufactured housing units.

Considerations/Conclusions

1. Section 15.2-2261 (formerly Section 15.1-475.D.) of the Code of Virginia requires that site plans be considered valid for a period of not less than five (5) years from the date of approval. The current wording of Section 24.1-505 of the Zoning Ordinance references this section but is confusing and contradictory since it also indicates that site plans are valid for a term of one (1) year and requires annual renewal up to the maximum of five (5) years. After consultation with the County Attorney, it is recommended that the wording of Section 24.1-505 be amended to more consistently track the language contained in the State Code. This change will eliminate the need for site plans to be revalidated every year, which will save time and effort for both the property owner/developer and staff.
2. Section 15.2-2307 of the Code of Virginia has been amended to require localities to allow the replacement of a *nonconforming* manufactured housing unit with a comparable unit that meets the current HUD manufactured housing code. Most of the manufactured housing units in York County are located in manufactured (mobile) home parks and in those situations it is the park, not the manufactured/mobile home, that is considered nonconforming. As a result, replacement of units within manufactured home parks is allowed routinely as long as the authorized number of units is not increased and as long as minimum unit separation and yard requirements are met. There are relatively few manufactured/mobile home units located on individual properties in York County. However, even in those situations, the County's practice has been to allow their replacement although a strict reading of the existing terms of the Zoning Ordinance would indicate that replacement could have been prohibited. Nevertheless, the change in the State Code now mandates that replacement be allowed. The suggested changes to

the Article VIII. Nonconforming Uses will incorporate this mandate into the Zoning Ordinance.

Planning Commission Recommendation

The Planning Commission considered this application at it August 14, 2002 meeting. Subsequent to conducting a public hearing at which there were no speakers, the Commission voted 5:0 to recommend approval of the proposed amendments.

Recommendation

These proposed amendments are necessary to conform the County's Zoning Ordinance with the terms of the Code of Virginia. I recommend adoption of proposed Ordinance No. 02-16 to approve the application.

Carter/3337:jmc

Attachment